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| 10/626,247 | 07/23/2003 | Puneet Bhatia | 073897.0130 | 1003 |

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| EXAMINER |
|---|
| MIZRAHI, DIANE D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2165 | |

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 July 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some *  c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## III.    DETAILED ACTION

Claims 1-34 are presented for examination and are pending.

### *Drawings*

The Examiner contends that the drawings submitted on July

23, 2006 are acceptable for examination proceedings.  These are

informal drawings.

### Claim Rejections - 35 USC . 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process,
> machine, manufacture, or composition of matter or any new and
> useful improvement thereof, may obtain a patent therefore,
> subject to the conditions and requirements of this title.

Claims 1-34 are rejected under 35 U.S.C. 101 because the

claims are directed to a non-statutory subject matter,

specifically, the claims are not directed towards the final

result that is "useful, tangible and concrete.

(See State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

According to the New Guidelines of October 26, 2005, which

states that "A claim limited to a machine or manufacture, which

has a practical application, is statutory.  In most cases a

claim to a specific machine or manufacture will have a practical

application.  See Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557)…

a specific machine to produce a useful, concrete, and tangible

result and State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

(Interim Guidelines for Examination of Patent Applications for
Patent Subject Matter Eligibility
<http://rs6.net/tn.jsp?t=mdmd7pbab.0.kbg76pbab.p9qiiibab.7440&p=
http%3A%2F%2Fwww.uspto.gov%2Fweb%2Foffices%2Fpac%2Fdapp%2Fopla%2
Fpreognotice%2Fguidelines101_20051026.pdf> )

The Supreme Court has repeatedly held that abstractions are

not patentable. "An idea of itself is not patentable". Rubber-

Tip Pencil Co. V. Howard, 20 Wall. 498, 07. Phenomena of

nature, though just discovered, mental processes, abstract

intellectual concepts are not patentable, as they are the basic

tools of scientific and technological work Gottschalk v. Benson,

175 USPQ 673, 675 (S Ct 1972). It is a common place that laws

of nature, physical phenomena, and abstract ideas are not

patentable subject matter Parker v. Flook, 197 USPQ 193, 201 (S

Ct 1978). A process that consists solely of the manipulation of

a data structure is not concrete or tangible. See In re

Warmerdam, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir.

1994). See also Schrader, 22 F.3d at 295, 30 USPQ2d at 1459.

Therefore, Examiner believes that the above listed claims are

nonstatutory.

## *Claim Rejections - 35 USC § 112*

Claims 1-34 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point

out and distinctly claim the subject matter which applicant

regards as the invention.  Examiner is unclear as to what is

Applicant's claimed, "fulfillment".  Further clarification and

a definition of "fulfillment" is required by Applicant.

## *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published
under section 122(b), by another filed in the United States before the
invention by the applicant for patent or (2) a patent granted on an
application for patent by another filed in the United States before the
invention by the applicant for patent, except that an international
application filed under the treaty defined in section 351(a) shall have the
effects for purposes of this subsection of an application filed in the
United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English
language.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as being

anticipated by Richard D. Cornelius et al. (U.S. Patent No.

6,629,081 B1 and Cornelius hereinafter).

Regarding Claim 1, Cornelius teaches method for managing

fulfillment data associated with a fulfillment system using a

fulfillment engine that is stored and executed using local data

storage within a database management system, the fulfillment

engine providing a first interface for communicating fulfillment

data with one or more remote application-specific systems stored

and executed using remote data storage external to the database

management system supporting the fulfillment engine, each remote

application-specific system associated with a corresponding

fulfillment type, the fulfillment engine providing a second

interface for communicating fulfillment data with the

fulfillment system, the method comprising performing the

following operations in establishing a plurality of fulfillment

interfaces for a plurality of fulfillment types, each

fulfillment type having a corresponding fulfillment interface

(col 33,lines 60-67 to col 34, lines 1-61) generating within the

local data storage a single local parent multi-definition table

appropriate for the plurality of fulfillment types (Figures 55;

65; 97); for each fulfillment type, generating a name and

definition for a local parent view of the single local parent

multi-definition table (col 48, lines 31-67)(Figures 3 and 8);

for each fulfillment type, mapping the definition for the local

parent view to the single local parent multi-definition table to

generate the local parent view within the local data storage,

the local parent view comprising a view of the single local

parent multi-definition table operable to access only

fulfillment data that has been stored in the single local parent

multi-definition table using the local parent view (col 33,lines

60-67 to col 34,lines 1-61)(col 47, lines 35-67 to col 48, lines

1-67)(Figures 56 and 67); and for each fulfillment type, using

the name and mapped definition for the local parent view to

generate within the remote data storage a remote actual child

view of a corresponding remote actual child multi-definition

table and a remote staged child view of a corresponding remote

staged child multi-definition table, each remote child view

comprising a copy of the local parent view, each remote actual

child view operable to access only fulfillment data that has

been stored in the corresponding remote actual child multi-

definition table using the remote actual child view (col 47,

lines 35-67 to col 48,lines 1-67)(Figures 56 and 67).

Regarding Claims 2-3, Cornelius teaches a back office

system comprising data associated with a plurality of credit

card accounts and fulfillment data is stored in the fulfillment

system to modify data associated with one or more of the credit

card accounts (Col 77,lines 45-67)(Col 59, lines 45-67 to col

60, lines 1-3) (col 101,lines 43-47).

Regarding Claim 4, Cornelius teaches for each fulfillment

type, copying all fulfillment data within the corresponding

remote actual child multi-definition table to the corresponding

remote staged child multi-definition table at a particular time,

all of this fulfillment data for a fulfillment type being copied

substantially simultaneously at the particular time such that

the corresponding remote staged child multi-definition table

reflects the corresponding remote actual child multi-definition

table as of the particular time; for each remote staged child

view, reading the copied fulfillment data from the corresponding

remote staged multi-definition table and writing this copied

fulfillment data to the single local parent multi-definition

table through the corresponding local parent view; and for each

fulfillment type, in preparation for additional fulfillment data

to be stored in the fulfillment system in a subsequent storing

operation, deleting from the corresponding remote actual child

multi-definition table all the fulfillment data thyt was copied

to the corresponding remote staged child multi-definition table

and deleting from the corresponding remote staged child multi-

definition table all the fulfillment data that was copied from

the corresponding remote actual child multi- definition table

(col 54, lines 1-35)(Figure 81)(col 168, lines 38-67 to col 169,

lines 1-67).

Regarding Claim 5, Cornelius for each fulfillment type,

using the name and mapped definition for the local parent view

to generate a remote historical child view of a corresponding

remote historical child multi-definition table; and for each

remote child view, copying all fulfillment data within the

corresponding remote staged child multi-definition table to the

corresponding remote historical child multi-definition table for

archival purposes, the fulfillment data within the remote

historical child multi-definition tables being available for use

in deliving historical fulfillment information (col 26,lines 1-

20).

Regarding Claim 6, Cornelius teaches … writes data … to

and reads data from the single local multi-definition table

(Figure 26).

Regarding Claim 7, Cornelius teaches additional fulfillment

data may be written to each remote actual child multi-definition

table without interruption while the fulfillment data that was

copied from the remote actual child multi-definition table is

being stored in the fulfillment system, the additional

fulfillment data written to the remote actual multi-definition

table are this copied fulfillment data has been copied being

stored in the fulfillment system in the subsequent storing

operation (col 166,lines 34-44).

Regarding Claim 8, Cornelius … data is committed within

the fulfillment system only if writing of the copied fulfillment

data to the single local parent multi-definition table is

successful as to all the local parent views in order to help

prevent inconsistencies due to partial fulfillments (col

150,lines 44-67 to col 152,lines 30-65)(col 162,lines 54-67 to

col 163,lines 1-2).

Regarding Claim 9, Cornelius teaches the storing of

fulfillment data in the fulfillment systems occur daily (col 24,

lines 8-10).

Regarding Claims 10-11, Cornelius teaches the remote child

views for a fulfillment type provide a simulated fulfillment

interface at a remote application- specific system simulating

the fulfillment interface associated with the corresponding

local parent view at the database management system … (col

168,lines 5-35).

Regarding Claims 12-34, the limitations of these claims is

similar in scope to the rejected claims above and are therefore

rejected as set forth above.

### Other Prior Art Made of Record

The prior art made of record and not relied upon is

considered pertinent to Applicant's disclosure.  U.S. patents

and U.S. patent application publications will not be supplied

with Office actions.  Examiners advises the Applicant that the

cited U.S. patents and patent application publications are

available for download via the Office's PAIR.  As an alternate

source, <u>all</u> U.S. patents and patent application publications are

available on the USPTO web site (<u>www.uspto.gov</u>), from the Office

of Public Records and from commercial sources.  For the use of

the Office's PAIR system, Applicants may refer to the Electronic

Business Center (EBC) at <u>http://www.uspto.gov/ebc/index.html</u> or

1-866-217-9197.

### *Conclusion*

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Diane D.

Mizrahi whose telephone number is 571-272-4079.  The examiner

can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be

reached on (571) 272-4146.  The fax phone numbers for the

organization where this application or proceeding is assigned

are (703) 872-9306 for regular communications and (703) 305-3900

for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


_____
Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

January 16, 2005